

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAMBU BAYOH,

Plaintiff,

-against-

AFROPUNK FEST 2015, LLC, AFROPUNK
LLC, AFROPUNK GLOBAL INITIATIVE LLC,
and MATTHEW MORGAN, JOCELYN
COOPER, and JOHN DOE and JANE DOE 1-10
individually,

Defendants.

Case No. 1:18-cv-05820-KBF-KNF

**DEFENDANTS' EXPERT
DISCLOSURE**

Defendants, by and through their attorneys Lewis Brisbois Bisgaard & Smith LLP, and pursuant to Federal Rule of Civil Procedure 26(a)(2)(B) and this Court's Order, [Doc. No. 99], hereby make the following expert disclosure:

Michael A. Einhorn, Ph.D.,
Media, Technology, and Copyright
3 E. Nob Hill Drive.,
Roseland, NJ 07068

Defendants expect Mr. Einhorn to testify as a damages expert, and to provide expertise refuting Plaintiff's speculative allegations of damages. Mr. Einhorn will base his opinions on his education, training and experience. Mr. Einhorn has nearly thirty (30) years of progressive experience in valuation, finance, and economics. He has been qualified as a testifying expert on intellectual property and commercial damages and values in U.S. federal courts and by various state courts. He has provided expert opinions and testified numerous times on patent, copyright, trademark and trade secret values and damages, commercial damages, lost profits, reasonable royalties, diminution of value, lost goodwill and business and securities values. Mr. Einhorn's experience also includes technology and intellectual property evaluation, selection, licensing, and

transfer pricing, due diligence, business and fraud investigation, negotiation support, mergers, acquisitions, divestitures, joint-ventures, financing and re-capitalizations, economic research and analysis, corporate budgeting, investment analysis, and planning.

PLEASE TAKE FURTHER NOTICE that Mr. Einhorn's work and investigation into this case are continuing, and Defendants reserve the right to supplement, amend, revise and/or expand this disclosure, and to have Mr. Einhorn supplement, amend, revise and/or expand his written report up until and including the time of trial in this matter if necessary. Defendants further reserve the right to supplement Mr. Einhorn's opinions, and the bases for those opinions, after receipt of new or supplemental discovery or any rebuttal report by Plaintiff (whom missed its initial or opening expert disclosure obligation). A copy of Mr. Einhorn's written report, qualifications and Curriculum Vitae is attached as **Exhibit A**. Defendants agree to make Mr. Einhorn available for deposition at a time and place that is mutually convenient for both parties per the Court's Order. [Doc. No. 99].

This disclosure is not intended to limit the scope or substance of any expert called by Defendants at trial. This disclosure should not be considered all encompassing, as expert testimony to be offered by Defendants shall depend, of necessity, upon the issues raised at trial by other experts and witnesses.

Dated: New York, New York
February 14, 2020.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Brian Pete
Brian Pete, Esq.
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Attorneys for Defendants

To: Robert L. Greene, Esq.
LAW OFFICE OF ROBERT L. GREENER
Attorneys for Plaintiff
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New York, New York 10118
212-689-8920

CERTIFICATE OF SERVICE

Brian Pete, an attorney duly admitted to practice before this Court, certifies that on February 14, 2020, he caused the within Defendants' Expert Disclosure to be served upon Plaintiff via email.

_____/s/ Brian Pete

Brian Pete

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Michael A. Einhorn, Ph.D.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Mambu Bayoh

Plaintiffs

v.

AfroPunk, LLC, et al.

Defendants.

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Judge: Denise L. Cote

**EXPERT REPORT
OF MICHAEL A. EINHORN, Ph.D.,
ON BEHALF OF DEFENDANTS**

Subject to change as more information becomes available

February 14, 2020

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Michael A. Einhorn, Ph.D.

1.INTRODUCTION

1.1) I have been asked by the law firm of Lewis Brisbois Bisgaard & Smith LLP, counsel for Defendants, to provide my expert valuation of any applicable actual damages claimed by Plaintiff, and what, if any, of Defendants' profits resulted from infringing displays of Plaintiff's owned photographic works that allegedly appeared at Afropunk's music festivals in Brooklyn, New York in August 2015 and August 2016, and purportedly London and Johannesburg in 2017.

1.2) Plaintiff contends that the displayed photos were taken without proper authorization from photographic images that he had previously provided to Defendants via deposit into Defendants' Dropbox account.

1.3) Plaintiff contends that use of postings in social media and Dropbox were covered by the terms of an oral contract established beforehand. Uses beyond social media and Dropbox were not allowed.

1.4) I have reviewed no contract document or exact verbal statement of the terms that Plaintiff claims would entitle him to any actual damages.

1.5) I shall estimate appropriate remedies under the Copyright Act per 17 U.S.C. 503. remedies. Broadly speaking, these damages may include actual damages suffered from a lost licensing opportunity, as well as any additional defendant profits.

1.6) I am an economist with expertise in valuation of damages related to infringement of intellectual property. My testimony is consistent with the techniques of my profession, in which I earned a Ph.D. in economics.

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1.7) I am paid at hourly rate of \$500 for report writing and for preparation for, travel to, and appearance at deposition and/or trial. My payment is not contingent upon the results of the litigated case.

1.8) I am not related to any of the parties, nor do I have any financial interest in the outcome of this matter.

2. STATEMENT OF QUALIFICATIONS

2.1) I have worked as a professional economist since I received a Ph.D. in Economics from Yale University in 1981. Since graduation, I was employed at Bell Telephone Laboratories, Rutgers University, U.S. Department of Justice (Antitrust Division), and Broadcast Music Inc.

2.2) I have worked since 2001 as a testifying expert in the area of media and intellectual property. My curriculum vita is attached as Appendix A. I testified as an expert at deposition and/or trial on the cases so identified in my professional resume.

2.3) I have served as a testifying economist in court cases involving the valuation of the intellectual property owned by commercial artists, software designers, writers, publishers, musicians, record labels, photographers, inventors, celebrities, actors, cartoonists, television producers, cable companies, and radio stations.

2.4) I have written 38 professional articles in the area of intellectual property in law journals and periodicals. I have delivered numerous professional lectures or CLE seminars related to these topics. I am also the author of the book *Media, Technology, and Copyright: Integrating Law and Economics* (Edward Elgar Publishers).

2.5) I have never been disqualified from testifying in court or limited in any manner related to the applied standards, concepts, or techniques of the economics profession.

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2.6) I have written reports and/or testified in matters related to copyright law, and have published professional articles in appropriate law periodicals. These items appear in my attached resume.

3. DOCUMENTS REVIEWED

I reviewed the following documents in connection with my work as an expert witness here:

Plaintiff's Original Complaint,

Order & Opinion on Summary Judgment, Southern District of New York, January 15, 2020

Expert Report of Rob Wallace

<https://www.asmp.org/professional-development/licensing-guide/license-photography/>

<https://www.entrepreneur.com/article/302607>

4. SUMMARY OF CONCLUSIONS

4.1) Plaintiff alleges that Defendant infringed on his copyrights by using a number of his photographers in promotion of, or display at live music events in a number of cities

4.2) Copyright plaintiffs may recover actual damages and defendant profits in an infringement matter.

4.3) To recover damages, copyright Plaintiffs must first meet evidentiary burdens regarding proof of causality, and terms of valuation.

4.4) Neither Plaintiff nor his expert Rob Wallace can meet the evidentiary burden to prove the terms of financial remediation for the works in question.

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5. ACTUAL DAMAGES

5.1) I am advised as a matter of law (17 U.S.C. 503) that a copyright Plaintiff may recover from Defendants actual damages that would have been earned for use of the Plaintiff's works.

5.2) Actual damages can be measured by lost licensing royalties for the contested uses. Plaintiff bears the burden of proof to establish lost royalties for which defendants are jointly liable.

5.3) The law also permits the Plaintiff to recover any additional defendant profits not previously accounted for in the above damage remedy. Each defendant bears severable liability for their respective earnings.

5.4) Plaintiff generally bears four burdens in proving this remedy claim.

5.5) First, Plaintiff must establish a *causal connection* between the defendant's infringement and any sought valuation of actual damages.

5.6) Second, plaintiff bears a similar burden to share a causal connection between infringement and Defendant profits that he would disgorge

5.7) Third, Plaintiff must reliably prove actual damages based on presented evidence and testimony.

5.8) Fourth, Plaintiff must prove defendant revenues resulting from the infringing activity. Once revenues are proven, Defendant bears the obligation to prove offsetting costs.

5.9) I have read the Expert Report of Rob Wallace. I believe that plaintiff generally fails to meet his burden regarding proof of causal connections, actual damages, and defendant revenues.

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6. FACTS

6.1) Plaintiff Mambu Bayoh was hired by Afropunk, LLC in May, 2015 to photograph its upcoming Afropunk music festival in August, 2015 and to provide Afropunk with the photos for its use. I have not reviewed written terms of arrangement related to his scope of work. Defendant Afropunk, LLC is a limited liability company.

6.2) Mr. Bayoh had photographed previous Afropunk festivals for another publication. In anticipation of his work assignment at the festival in August, Mr. Bayoh was asked by Afropunk to post six previously photographed materials to its promotional website.

6.3) Mr. Bayoh first demanded compensation for the postings of his six photographic works. Nonetheless, Mr. Bayoh eventually granted, without payment, permission to Afropunk to use his six photographs on the festival website.

6.4) At some point prior to the August event, Mr. Bayoh apparently agreed to allow Afropunk to add the six website photos to Afropunk's Instagram and Facebook pages as part of its social media campaign for the upcoming concert.

6.5) Mr. Bayoh further contends that his permissions for the six photos extended to no uses beyond the website and social media venues. This would include rights for visual display of the six works at the concert in August.

6.6) Afropunk then arranged for Mr. Bayoh to photograph at the upcoming festival schedule for August, 2015. I am unaware of a written compensation arrangement, or the defined scope of

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work, for this engagement. Afropunk yet contends that it sent Mr. Bayoh a release agreement for the photographs that he was to take.

6.7) Afropunk claims to have granted to the photographer a payment for his work, a pass to shoot freely at the concert, and a full copyright in all photographs taken. In exchange, Afropunk contends that it only asked for a non-exclusive usage license for the photographs with no additional royalty due. .

6.8). The arrangement is consistent with Afropunk's previous contracts with other photographers. As a promoter of music festivals, Afropunk has hired as many as forty photographers to shoot at its events. . Afropunk pays to each photographer a fixed fee for professional services and allows the photographer ownership of the full copyright in his/her works; photographers may then profitably transact their photos in later markets. As with Mr. Bayoh, the only stipulation from Afropunk is that it retains permission to use without royalty photographs of the events for future marketing, promotion, and display.

6.9) Consistent with Afropunk's general practice, Mr. Bayoh in August, 2015 received from Afropunk a photographer's badge and came to photograph the Afropunk festival in Brooklyn, New York. He was paid shortly afterward a sum of \$1,200 for his professional services as a photographer. .

6.10) After receiving payment in August, 2015, Mr. Bayoh here seems to have raised no verbal or written protest to the payment amount. Approximately one month after the concert, Mr. Bayoh uploaded no less than eighty seven concert photos to a Dropbox folder controlled by Afropunk.

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Plaintiff contends that Afropunk came to use some number of the photos in concerts in 2016-2018 in Brooklyn, London, and Johannesburg.

6.11) While plaintiff purports some earlier uncertainty about his acceptance of the contract, I am advised that his eventual acceptance of payment and uploading of photos without further protest indicate in the end that he accepted an *implied licensing* arrangement with Afropunk that would cover Afropunk's later uses of his work from material on Dropbox. Mr. Bayoh did not exercise due diligence in avoiding this implication

6.12) Per agreement, Mr. Bayoh was fully compensated by the undisputed payment of \$1,200. He is not entitled to additional payment for subsequent display rights of his works, as Afropunk would have obtained such rights in exchange for the amount paid.

6.13) Afropunk's arrangements with its photographers are beneficial to the photographer and are economically efficient. Afropunk pays each photographer for professional services and permits the artist to leave the event with an uncontested portfolio of works that it may monetize freely without restraint from Afropunk.

6.14) In exchange for its payment and allowance to work on its concert grounds, Afropunk insists only on an agreed license *for use of the photographer's concert shots in its own promotions*; Afropunk need not pay any additional amount for the photos that it comes to use.

6.15) In so doing, Afropunk avoids the considerable transaction costs that would otherwise be necessary to license such rights for its later promotions. Such a licensing outcome would be economically inefficient due to the transaction costs that it would impose upon all parties.

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6.16) I am advised that Mr. Bayoh may yet claim due licensing revenue for the six original website photographs that were displayed without proper authorization.

6.17) Displays of the six photos may include entry posters, staff t-shirts, the concert app, and printed promotion brochures distributed to all ticketed attendees. Displays were located at the entrance and interior of the event space and contributed in some manner to a pictorial presentation of African-American culture.

6.18) I shall turn to this valuation of the six works below.

7. PLAINTIFF'S PROOF OF DAMAGES

7.1) Mr. Bayoh does not meet the burden of proof specified in Section 5 of this report regarding causal connection and damage amounts.

7.2) In this regard, Mr. Bayoh provides no means of monetizing his unpaid damages from the uses of any of his six photos. He does not establish how many times each photo was used, where it was used, nor appropriate licensing fees that should have been paid for displays of the work.

7.3) Mr. Bayoh also does not establish any amount of revenues that Defendants earned from any of the infringing activities listed above, nor a causal connection between the infringement and resulting dollar of profit.

7.4) As a matter of law, it is not proper to post the Defendants' full festival earnings earned from ticket sales unless Mr. Bayoh can prove – not hypothecate -- that concert attendance was caused by the infringing displays. As a practical matter, it is highly unlikely that any attendee paid for a ticket at a live music concert in order to view the photographs displayed at the concert. Rather,

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concert attendees presumptively chose to buy tickets for the musical event in order to spend some time enjoying the music. s

7.5) Plaintiff also does not monetize due remedies for individual takings related to his photos used on poster, t-shirts, apps, and promotion brochures distributed to audiences at the event.

8. EXPERT REPORT OF ROB WALLACE

8.1) Plaintiffs submit to the court the Expert Report of Rob Wallace.

8.2) Mr. Wallace's report presents some kinds of survey results that are presumably related to this matter. Mr. Wallace does not explain why this survey is useful to determining any valuation for the putative infringements.

8.3) Mr. Wallace does not appear to have reviewed the terms of any licensing agreements involving both or either of the parties in coming to his conclusion.

8.4) Mr. Wallace does not stipulate exactly which of the infringing photographs appeared at the concert, how each infringing photograph was used at the event, or any means for valuing its due compensation.

8.5) At the moment, I am unaware of any written document involving either or both parties that would define the terms for payment that Mr. Wallace should have attempted to monetize. I reserve the right to amend this report if additional material becomes available.

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9. VALUATION OF ACTUAL DAMAGES FROM INFRINGING DISPLAYS

9.1) With proper inference, Mr. Bayoh might have valued a claim for rights of his photographs displayed at the Afropunk events.

9.2) Mr. Bayoh would be called upon to present a full detailed itemization for each of these photographic displays, and a putative licensing fee that he would anticipate.

9.3) The American Society of Media Photographers defines licensing as “A legal agreement granting permission to exercise a specified right or rights to a work, often encompassed in an invoice, or the act of granting same.” I have seen no invoice that Mr. Bayoh actually sent Defendants.

9.4) However constructed, the licensing fee should be based on payment for a hypothetical licensed transaction involving a willing buyer and a willing seller at an arms-length negotiation. This could be derived from third party transactions involving similar uses.

9.5) The six photos first provided are termed *Stock Photographs* because they existed before Mr. Bayoh made them available to Afropunk for its social media pages. Mr. Bayoh could then have determined his valuation based on comparable Photographs created and licensing by other photographers of his professional stature. He would rightfully have retained the services of a licensing expert in photography.

9.6) Later works actually photographed at the concert are *Assignment Photographs* that are contracted beforehand for work to be performed. Assignment work may have different terms of engagement than preexisting *Stock Photographs*.

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9.7) A number of factors would be part of a presumed part of a contract for uses of existing photographs

Number of Uses: fees are higher for more uses

Number of Copies: fees are higher for more copies

Size of Viewership: fees are higher for bigger audiences

Use on Merchandise: fees are higher for uses on merchandise

Redistribution Rights for Licensee: fees are higher when licensee can redistribute

Indemnification of User: fees are higher if photographer agrees to indemnify licensee for third party claims.

Exclusive vs. Non-Exclusive: exclusive rights are more expensive

Commercial or Non-commercial use: fees are higher if user is earning income.

Uniqueness: fees are higher for rare scenes

Reputation of photographer: fees are higher for distinguished professionals.

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9.8) Mr. Bayoh must also distinguish amounts earned in merchandising, where photos may be monetized per item sold. This is contrasted with displays related to “look and feel” that may appear for general “look and feel” view inside the event grounds.

10. CONCLUSION

The above conclusions constitute my personal independent assessment. These conclusions will form the basis of my testimony should I be called at trial.

Amounts are subject to change as more information becomes available.

/s/ Michael Einhorn

Michael A. Einhorn, Ph.D

February 14, 2020

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Michael A. Einhorn, Ph.D.

Appendix A

Professional Resume of Michael A. Einhorn

MEDIA, TECHNOLOGY, COPYRIGHT



PROFESSIONAL RESUME

MICHAEL A. EINHORN
<http://www.mediatechcopy.com>

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Michael A. Einhorn is an economic consultant and expert witness in the areas of intellectual property, media, entertainment, technology, trademarks, publicity rights, and product design. He received a B.A. from Dartmouth College, a Ph. D. in economics from Yale University, and is the author of **Media, Technology, and Copyright: Integrating Law and Economics** (Edward Elgar Publishers, 2004). He is also a former professor of economics at Rutgers University and the author of seventy professional and academic articles related to intellectual property and economic analysis.

Dr. Einhorn has provided valuation services in the following areas as a consultant or expert witness:

Music: *Recording artists* (Katy Perry, Led Zeppelin, U2, Madonna, 50 Cent, Usher, Rascal Flatts, LMFAO, Rick Ross, D4L, Aimee Mann, Nappy Roots, Justin Moore, Xzibit, Nelly Furtado, George Clinton, Notorious B.I.G., D.L. Byron), *record labels* (Sony Music, Universal Music Group, Disney Music, Atlantic Records, Rhino Entertainment), *producers* (P. Diddy, Timbaland, Dr. Dre), *publishers* (Major Bob Publishing, Universal Music Publishing, Bridgeport Music, Hamstein Music, Chrysalis Music, Kobalt Music), *performing rights organizations* (SESAC), *radio stations* (WPNT in Pittsburgh), *live venues* (World Wrestling Entertainment), and *estates* (Bill Graham Archives)

Movies and Television *Movies* (Paramount/DreamWorks, Bold Films), *cable programs* (NBCUniversal), *musicals* (Zorro Productions) *product placement* (Paxson Productions), *treatments* (Burnett Productions), *soundtrack* (Warner Bros. Entertainment), *TV programs* (Telecentro of Puerto Rico), *satellite programming* (Golden Channels Company of Israel), *DVD videos* (Steve Harvey), *commercials* (Gray Television Group), and *cable operations* (AT&T).

Trademarks, Trade Secrets, and False Advertising: *Trademarks* (Samsung Electronics, Dish Network, Madonna/Material Girl, Jakks Pacific, Kische USA, Oprah Winfrey/Harpo Productions, Avon Cosmetics, *The New York Observer*, the Kardashians/BOLDFACE Licensing + Branding, Wazu Holdings), *trade secrets* (The Weather Channel, Hasbro), and *advertising* (J. Walter Thompson/Banco Popular, Kia Motors, Coca Cola, General Automobile Insurance Company).

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At mae@mediatechcopy.com, <http://www.mediatechcopy.com>. The author is an economic consultant and expert witness in the areas of intellectual property, media, entertainment, and product design. He is the author of *Media, Technology, and Copyright: Integrating Law and Economics* (2004) and over seventy related professional articles in intellectual property and economic analysis. He has been involved in music litigation involving Katy Perry, Led Zeppelin, U2, Usher, P. Diddy, Notorious B.I.G., Nappy Roots, Aimee Mann, Rick Ross, D. L. Byron, Justin Moore, George Clinton, Randy Newman, Rascal Flatts, Madonna, Timbaland, Universal Music Group, Warner Music Group, Disney Records, Bridgeport Music, and Chrysalis Music Publishing.

Design, Apparel, and Photography : *Apparel* (Target Stores, Carol Anderson, Forever 21, Crew Knitwear, Joyce Leslie, Anthropologie), *architecture* (Sprint PCS, Home Design LLC, Murray Engineering, Turnkey Associates), *medical illustrations* (Pearson Education Services), *photography* (Harris Publications, Neil Zlozower, Dana Ruth Lixenberg), *sculpture* (Marco Domo), *cartoons* (A.V. Phibes, Melissa Flock), *toys* (Jakks Pacific), and *commercial marketing* (Kaufman Global).

Publicity Rights and Estate Valuations: *Names and likenesses* (Reese Witherspoon, Steve Harvey, Woody Allen, Rosa Parks, Arnold Schwarzenegger, Sandra Bullock, Cameron Diaz, Diane Keaton, Zooey Deschanel, Yogi Berra), *estate valuations* (Tasha Tudor, Marlon Brando, Bernard Lewis).

Cyberspace: *Music services* (Apple iTunes, Napster, MP3.com), *proprietary software* (Centrifugal Force, Frogsware), *open source software* (Jacobsen v. Katzer), *electronic publishing* (Pearson), *video games* (Activision), *search engines* (eUniverse), and *domain names* (eCommerce).

Patents and Technology: *Semiconductors* (General Electric v. Kodak, Great Lakes v. Sakar), *cellular* (Cellebrite v. Micro Systemation), *software* (Jacobsen v. Katzer, Centrifugal Force v. Softnet), *medical technology* (Lemper v. Legacy, Graston v. Graham), *clutch components* (Nouis Technologies v. Polaris Industries), *pet topicals* (Nite Glow Industries Inc. v. Central Garden & Pet Company) and *general patents* (DeCordova v. MCG).

Antitrust and Commercial Losses: *Antitrust*, *breach of contract*, and *commercial injury* in actions (Los Angeles Rams, AT&T, American Home Realty Network, California Scents, Safmor, Inc., Golden Channels Company of Israel, St. Joseph's Regional Hospital (College Station, Texas)).

REPRESENTATIVE CLIENTS

New York State Attorney General; New York

Fish & Richardson; Boston

Arnold & Porter; Washington

Baker & Hostetler; Cleveland

Palmer & Dodge; Boston

Hunton & Williams; Washington

Blecher & Collins; Los Angeles

Stokes Bartholomew Evans & Petree; Nashville

King & Ballow; Nashville

Frankfurt Kurnit Klein & Selz; New York

Lavelly & Singer; Los Angeles

Davis and Gilbert; New York

Cowan DeBaets Abrahams & Sheppard; New York

Taft Stettinius & Hollister; Indianapolis

Sheppard Mullin Hampton & Richter; Los Angeles

Seyfarth Shaw; Los Angeles

Connolly Bove Lodge & Hutz; Wilmington

Blackwell Sanders Peper Martin; St. Louis

Lipsitz Green Faringer Roll Salisbury & Cambria; Buffalo

Music, Movies, and Television

Gray et al. v. Katy Perry et al. Central District of California, 2019, report and deposition, valuation of damages resulting from copyright infringement in **Katy Perry's song *Dark Horse***.

D'Pergo Custom Guitars v. Sweetwater Sounds, Inc., District of New Hampshire, 2019, report and deposition, valuation of damages resulting from copyright infringement of high-quality guitar images.

Dan Marino v. Dante Barton and Will Guice, Pennsylvania Court of Common Pleas, 2018, report and testimony, valuation of damages resulting from breach of contract among three songwriters claiming rights in **Usher's song *Bad Girl***.

Robert W. Cabell v. Zorro Productions, Inc., et al., Northern District of California, report, estimated commercial damages resulting from infringement of copyright in a **musical adaptation of movie *Zorro***.

Gray Television Group, Inc. v. Found Footage Festival, LLC, et al., Eastern District of New York, report, estimated commercial damages resulting **from infringement of television programming**

Richard Dutcher v. Bold Films LLP, et al., Central District of Utah, 2017, report, estimated commercial damages resulting from copyright infringement of leading screenwriter in the movie ***Nightcrawlers***.

RCN Capital, LLC, et al. v. The Los Angeles Rams, LLC, et al., Eastern District of Missouri, 2017, report and deposition, breach of contract regarding use of rights to **sell tickets in secondary markets**.

Michael Skidmore v. Led Zeppelin, et al., Central District of California, 2016, trial testimony, estimated damages in infringement matter against rock group Led Zeppelin regarding **classic song *Stairway to Heaven***.

Joseph Cooper v. Broderick Steven "Steve" Harvey, Northern District of Texas, 2016, report and deposition, breach of contract matter regarding recorded films **of comedian/actor Steve Harvey**.

Sidney Earl Swanson v. MJJ Productions, Central District of California, 2015, report, copyright infringement matter regarding a musical composition used in a **sound recording *Chicago* by Michael Jackson**.

Original Appalachian Artworks, Inc. v. Jakks Pacific, Inc., International Institute for Conflict Prevention and Resolution, 2015, report and deposition, matter involving lost sales related to breach of contract for **copyright owners of Cabbage Patch Kids**.

Alexander Graham-Sult and David Graham v. Bill Graham Archives, LLC, et al., Northern District of California, 2015, report and deposition, valuation of copyrights and business concern resulting from fiduciary breach of the estate of **rock concert producer Bill Graham**.

William L. Roberts (p/k/a Rick Ross), et al. v. Stefan Kendal Gordy, Southern District of Florida, 2015, report, valuation of defendant enrichment resulting from infringement of a musical composition in a **multi-platinum release (*Party Rock Anthem*) and a Kia automobile commercial**.

William L. Roberts (p/k/a Rick Ross), et al. v. Stefan Kendal Gordy, Southern District of Florida, 2015, report, valuation of defendant enrichment resulting from infringement of a musical composition in a **multi-platinum release (*Party Rock Anthem*) and a Kia automobile commercial**.

Cartagena Enterprises, Inc. v. J. Walter Thompson Co., et al., American Arbitration Association, 2015, report, valuation of damages resulting from infringement of prominent salsa dance composition in an advertising message **by leading advertising agency and the largest bank in Puerto Rico**.

Digital Satellite Connection v. Dish Network Corporation, et al., District of Colorado, 2014, report and deposition, valuation of damages resulting from **trademark infringement by national satellite provider**.

Ron Satija and Heather Lynette Mowder v. General Automobile Insurance Company, District Court of Northern Ohio, 2014, report, valuation of damages resulting from infringement of **cartoon character *The General* in national advertising campaign**.

Daniel Moser v. Raymond Ayala (p/k/a Daddy Yankee), et al., District Court of Puerto Rico, 2014, report, valuation of damages resulting from infringing reproduction and performance rights in **Daddy Yankee's multi-platinum song *Rompe***.

Dan Marino v. Usher Raymond, et al., Eastern District of Pennsylvania, 2013, report, valuation of damages resulting from infringing reproduction and performance rights in **Usher's song *Bad Girl***.

Preston Asevedo v. NBCUniversal Media, et al., Eastern District of Louisiana, 2013, report, estimated damages for commercial artwork used on a **Syfy cable television program *Dream Machines***.

Ryan Lessem and Douglas Johnson v. Universal Music Group, Southern District of New York, 2013, report and deposition, valuation of damages involving copyright infringement in **50 Cent's song *How We Do***, recorded by rapper The Game.

Montana Connection, et al. v. Justin Moore, Middle District of Tennessee, 2013, report, estimated damages for infringement in **country hit song *Backwoods*** on Justin Moore's record album and concert performances.

VMG Salsoul v. Madonna Louise Ciccone, et al., Central District of California, 2013, report, valuation of damages resulting from copyright infringement in **Madonna's song *Vogue***.

Interstar Holdings v. Truman Press, Superior Court of California, 2011, report, matter involving valuation of commercial losses resulting from breach of contract involving **DVD movie *Dawn of the Living Dead***.

Lutfu Murat Uckardesler, et al. v. Azteca International Corporation, et al., Central District of California, 2010, consultant, estimated damages resulting from infringement of treatment on internationally **popular reality television show**.

Kernel Records Oy v. Timbaland, et al., Southern District of Florida, 2010, report, estimated damages resulting from copyright infringement of sound recording on multi-platinum **Nelly Furtado song *Do It***.

Anthony Lawrence Dash v. Floyd Mayweather, et al., District of South Carolina, 2011, report, valuation of damages involving use of a **copyrighted beat** in a **highly promoted WrestleMania event involving Floyd Mayweather**.

Rafael Vergara Hermosilla v. The Coca Cola Company, Southern District of Florida, 2010, report and deposition, valuation of defendant profits resulting from infringement of song ***Wavin' Flag*** in an **international advertising campaign for the World Cup**.

Chris Lester v. U2, Apple Computer, and Universal Music Group, Central District of California, 2009, report and deposition, estimated damages from copyright infringement involving U2's **song Vertigo** used in concerts and recordings.

Serendip LLC, et al. v. Warner Bros. Entertainment, Inc., Central District of California, 2009, report and deposition, estimated damages in copyright infringement on released DVD containing the **soundtrack to A Clockwork Orange**.

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